

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

| | | |
|-------------------|---|------------------|
| MICHAEL J. GRACE, |) | |
| |) | |
| Petitioner, |) | |
| |) | 1:22CV976 |
| v. |) | 1:22CV977 |
| |) | 1:22CV978 |
| EDDIE BUFFALOE, |) | |
| |) | |
| Respondent. |) | |

ORDER

On August 2, 2024, the United States Magistrate Judge’s Recommendation was filed, and notice was served pursuant to 28 U.S.C. § 636. (ECF No. 17). Petitioner filed objections to the Recommendation on August 20, 2024, (ECF No. 19), and September 9, 2024, (ECF No. 22). The Court has reviewed Petitioner’s objections de novo and finds they do not change the substance of the United States Magistrate Judge’s Recommendation, which is affirmed and adopted.

To the extent that Petitioner requests an evidentiary hearing, Petitioner has failed to show that he meets the requirements of 28 U.S.C. 2254(e)(2), and the Court concludes that there is no basis or need for an evidentiary hearing in this case in light of the analysis of the claims in the Recommendation. *See* 28 U.S.C. 2254(e)(2); *Shinn v. Ramirez*, 596 U.S. 366, 381-82, 142 S. Ct. 1718, 1734 (2022).”

IT IS THEREFORE ORDERED that Respondent’s Motions for Summary Judgment, (1:22CV976, (ECF No. 13); 1:22CV977, (ECF No. 10); 1:22CV978, (ECF No. 10), is **GRANTED**, that the Petitions, (1:22CV976, (ECF No. 2); 1:22CV977, (ECF No. 2);

1:22CV978, (ECF No. 2), are **DENIED**, that the cases be **DISMISSED**, and that there being no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability not issue.

This, the 18th day of September 2024

/s/ Loretta C. Biggs
United States District Judge